



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,480	02/05/2002	Gunther Handke	4452-460	6356

7590 03/16/2004

Thomas C. Pontani, Esq.
Cohen, Pontani, Lieberman & Pavane
Suite 1210
551 Fifth Avenue
New York, NY 10176

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
----------	--------------

3677

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/067,480

Applicant(s)

HANDKE, GUNTHER

Examiner

Ruth C Rodriguez

Art Unit

3677

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

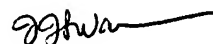
Claim(s) objected to: _____.

Claim(s) rejected: 1-15.

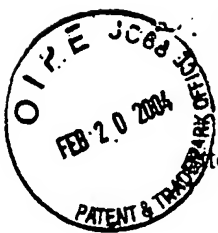
Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 10. Other: The first argument presented by the applicant is directed to the method of making the tubular member disclosed by Pribil. This argument fails to persuade because the method of forming the device is not germane to the issue of patentability of the device itself. The limitation "sleeve parts connected by a connecting web" is met because Pribil does disclose that all the members of the tubular member will be riveted, spot welded or connected by any other fastener means in order to joint all the members of the tubular member which will result in having a connecting web that connects the shanks. The applicant also argues that the tubular member disclosed by Pribil fails to disclose that "each sleeve part has an axial length, most of the length extending between the connecting web and the respective mutually facing end". The Examiner fails to be persuaded by this argument. The claim fails to include any details of what elements are being considered to measure the length. As a result, the sleeve part will have an axial length where most of the length will extend between the connecting web and the respective mutually facing end if most of the length is being measured from the flange 10 of the connecting web to the mutually facing end of the sleeve..



J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



61

Corres. and Mail
BOX AF

AF
3677

Attorney Docket # 4452-460

Reply Under 37 CFR 1.116
Expedited Procedure
Technology Center 3600

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Günther HANDKE

Serial No.: 10/067,480

Filed: February 05, 2002

For: Tubular Body, Especially A Joint Eye For Piston-
Cylinder Unit

Examiner: Rodriguez, Ruth C.
Group Art: 3677

I hereby certify that this correspondence is being
deposited with the United States Postal Service with
sufficient postage as first class mail in an envelope
addressed to: Mail Stop AF, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450, on
February 18, 2004
(Date of Deposit)

F. Brice Fallier

Name of applicant, assignee or Registered Representative

Signature

February 18, 2004

Date of Signature

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

FEB 26 2004

GROUP 3600

AMENDMENT UNDER 37 CFR §1.116

SIR:

Responsive to the Final Office Action dated November 18, 2003, please amend the
above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on
page 2 of this paper.

Remarks begin on page 4 of this paper.

OK TO
ENTER
R&R
3/11/04